

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 5-10 remain in the application. Claims 5, 7, and 9 have been amended.

In item 4 on page 2 of the above-identified Office Action, claims 5-10 have been rejected as being unpatentable over O'Toole et al. (U.S. 5,889,856) (hereinafter O'Toole") in view of Betts (U.S. 6,584,078) under 35 U.S.C. § 103(a).

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found on pages 7-8, lines 12-22 of the specification of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 5 calls for, *inter alia*, a method of handling telephone signals supplied by an analog telephone set and data supplied by a data terminal in the subscriber line circuit of a digital telephone switching system used at least in subregions for data transmission, by:

connecting a telephone set and a data terminal to a subscriber line circuit of a digital telephone switching system through a common analog subscriber line;

subjecting data outgoing to the digital telephone switching system to an analog/digital conversion at a sampling rate above a sampling rate required for telephone information causing the data originating from the data originating from the data terminal to not be subject to the same restrictions as the signals originating from the analog telephone set; and

feeding data originating from and handled by the data terminal directly to a data transmission network. (emphasis added)

O'Toole discloses a method of handling telephone signals supplied by an analog telephone set and data supplied by a data terminal in a subscriber line circuit of a digital telephone switching system used in at least subregions for data transmission. However, as previously argued and agreed to by the Examiner, O'Toole does not disclose subjecting the data outgoing to the digital telephone switching system to an analog-digital conversion at a sampling rate above a sampling rate required for telephone information and coding incoming

data from the digital telephone switching system according to a digital to analog conversion using a linear characteristic.

The secondary Betts reference discloses an asymmetric modem communication system for obtaining high speed data transfers through a telephone network that includes both digital and analog communications media. The telephone connection is interfaced with an analog modem 102 and an associated sampling switch 138 for receiving a modulated signal 136 from the transmitter 134 and adapted to pulsate the signal to a filter 141. Betts discloses sampling both the data and the telephone signals in the same manner.

To the contrary, the present invention samples the data at the higher rate, while processing the telephone signals normally. The instant specification (e.g., see page 2) describes that the data should not be sampled in the same manner as the telephone signals particularly when large amounts of data are concerned because this has a restrictive effect on the data. According to the present invention, normal processing of the telephone signals is desirable.

Therefore, it is clear that Betts does not overcome the deficiencies of O'Toole.

Moreover, the Examiner has not shown a proper basis or reason in the primary O'Toole reference as to why one skilled in the art would even want to combine Betts with O'Toole. The Examiner has opined that one skilled in the art would combine Betts with O'Toole "in order to synchronize or to match the sampling rate among clients' receivers and the sampling rate of the network", however, this is merely the Examiner's opinion and is not supported in O'Toole. Notwithstanding the foregoing, even if the combination of references was proper the resulting method and system still would not meet the claimed limitations because Betts samples both the data and the telephone signals in the same manner.

Clearly, the references do not show "subjecting data outgoing to the digital telephone switching system to an analog/digital conversion at a sampling rate above a sampling rate required for telephone information causing the data originating from the data originating from the data terminal to not be subject to the same restrictions as the signals originating from the analog telephone set" as recited in claim 5 of the instant application. Independent claims 7 and 9 contain similar limitations.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 5, 7, or 9. Claims 5, 7, and 9 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 5, 7, or 9.

In view of the foregoing, reconsideration and allowance of claims 5-10 are solicited.

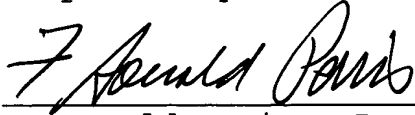
In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$110.00 in accordance with Section 1.17 is enclosed herewith.

Appl. No. 09/633,709
Amdt. submitted 9/27/04
Reply to Office Action of 5/28/04

Please charge any other fees that might be due with respect to
Sections 1.16 and 1.17 to the Deposit Account of Lerner and
Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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FDP/bb

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